

WILLIAM W. MERCER
United States Attorney
P.O. Box 1478
Billings, MT 59103
Phone: (406) 247-4639
FAX: (406) 657-6055

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. THOMAS WOODWARD LAMBERT and SANFORD WASSERMAN, Defendants.	CR 04-20-BLG-RFC OFFER OF PROOF FOR SANFORD WASSERMAN
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A. FACTUAL BACKGROUND

Beginning on or about October 27, 1998, and continuing to on or about December 10, 2002, in Lavina and elsewhere, in the District of Montana, the defendants, Thomas Woodward Lambert and SANFORD WASSERMAN, did knowingly conspire with one another to commit offenses against the United States, that is knowingly using an express company or other common carrier, for carriage in interstate

commerce, of obscene matters, namely, video tapes, in violation of 18 U.S.C. § 1462. These videotapes depicted violent “gang rapes” of women, sexual intercourse between humans and animals, and other sexual activity which involved urination, defecation, fisting, bondage, and sadistic and masochistic conduct.

PURPOSE AND OBJECT OF THE CONSPIRACY

It was the purpose and object of the conspiracy to engage in the business of selling and distributing obscene video tapes, for the personal gain, benefit, profit and advantage of the defendants, Thomas Lambert and SANFORD WASSERMAN.

MANNER AND MEANS OF THE CONSPIRACY

It was part of the conspiracy that the defendants, Thomas Lambert and SANFORD WASSERMAN, formed, managed and operated certain business entities under a variety of names including, but not limited to, Pet Tec, the PT Company, Digital Technology, New Technology, Brightstar, LeMons, Mount Venus, and Princeton.

It was further part of the conspiracy that the defendants Thomas Lambert and SANFORD WASSERMAN, would and did distribute and mail catalogs advertising obscene video tapes, and take orders for, sell and facilitate the distribution of those same obscene video tapes.

It was further part of the conspiracy that potential customers would receive catalogs and would and did place orders for the obscene video tapes.

It was further part of the conspiracy that the defendants Thomas Lambert and SANFORD WASSERMAN, would and did duplicate obscene video tapes in order to fill customer mail orders.

It was further part of the conspiracy that, after duplication, defendants Thomas Lambert and SANFORD WASSERMAN, would and did distribute the obscene video tapes by using express carriers and other common carriers to their customers throughout the United States.

It was further part of the conspiracy that the defendants, Thomas Lambert and SANFORD WASSERMAN, would and did enable customers to pay the purchase cost for the obscene video tapes with cash, checks, and money orders.

It was further part of the conspiracy that defendants, Thomas Lambert and SANFORD WASSERMAN, would and did deposit and cause to be deposited, into bank accounts they owned and controlled, payments from customers who had purchased obscene video tapes.

The following facts are significant to the case:

1. From at least late 1998 to at least July, 2001, defendant Wasserman operated Le Mons, LLC DBA New Technology.
2. In October of 2000, Postal Inspector B. A. Beckham obtained a federal search warrant to search the business premises of Le Mons LLC DBA New Technology, 10001 NW 50th St., #W13, Sunrise, FL.
3. Subsequently, Wasserman, Le Mons LLC, and New Technology were indicted in the Southern District of Texas, under case number CRH-01-116.
4. On February 28, 2001, Defendant Wasserman made his initial appearance in CRH-01-116.
5. On August 27, 2001, pursuant to guilty pleas by all parties, they were

convicted of one count of 18 U.S.C. § 1461 (Mailing obscene material) and one count of 18 U.S.C. § 2 (Aiding and Abetting).

6. During the period December 1998 to January 2001, New Technology had gross receipts of \$1.7 million.

7. On or about December 7, 2001, Wasserman was sentenced to two years probation and a \$10,000 fine.

8. On or about December 13, 2001, Wasserman was visited at the New Technology business premises by his probation officer. The probation officer told Wasserman that Wasserman's continued employment at New Technology would be a violation of his probation.

9. On or about January 17, 2002, Defendant Lambert rented a U-Haul truck and, with the assistance of Ray R. Huss, took all of the New Technology equipment and inventory to his residence in Montana.

10. Defendants' business Pet Tec is a successor to and continuation of the business operated in Florida by Wasserman, Le Mons LLC DBA New Technology.

11. Defendant Wasserman, during calendar year 2001 while on release pending disposition of his own charges stemming from his operation of Le Mons, LLC DBA New Technology, continued to operate the warehouse and video duplication studio in Sunrise, Florida, and receive orders directed to his business New Technology, at his private mail box in Tamarac, Florida. These orders were forwarded to Defendant Lambert in Montana for processing.

12. In general, with assistance from Defendant Wasserman (and his full knowledge), Lambert mailed out catalogs offering for sale obscene videos.

13. Many of the videos offered for sale in both the New Technology catalog and the Pet Tec catalog are listed with the same title, the same stock number, the same description, the same “rating” and the same price.

14. A Prohibitory Order, sent from the U.S. Postal Service Prohibitory Order Processing Center, dated November 2, 2001 and addressed to Digital Technology, 8209 N. Pine Island Rd. #156, Tamarac, FL 33321-1541, was found at the Montana residence of Thomas Lambert during execution of the October 22, 2002 search warrant. The letter orders Digital Technology (the company New Technology became after Postal Inspectors executed the search warrant on New Technology in Florida on October 12, 2000) to cease mailing sexually oriented advertising to the customer.

15. A folder containing complaint letters addressed to New Technology and Pet Tec, and response letters to the complaints, was seized during the search of Thomas Lambert’s residence on October 22, 2002. One response letter, dated November 2, 2001, using New Technology letterhead and the address of 8209 N. Pine Island Dr. #156, Tamarac, FL 33321 bore the notation: “Tom- My answer to the attached letter- I wonder how he gets a Reno Association to us??? Sandy”. A second response letter, dated November 6, 2001, used Pet Tec letterhead and an address of 1302 24th Street West #334, Billings, MT 59102. It had a notation attached to it stating: “Tom- Send attached letter to customer S”. .

16. In a handwritten note, from Sanford Wasserman to Tom Lambert, dated November 5, 2001, Wasserman tells Lambert how Wasserman referred a customer to Pet Tec for videos New Technology no longer offers. The note was obtained during execution of the October 2002 search warrant of Lambert’s residence.

17. A December 3, 2001 order placed by customer Steven Wells includes a handwritten instruction from Sanford Wasserman to Tom Lambert.

18. Handwritten instructions for catalog classification abbreviations (e.g. BDG = Bestiality, Dog) and instructions on how to write up video descriptions for the catalog were seized during the search of Defendant Lambert's residence on October 22, 2002. The handwriting in this four-page document is Defendant Wasserman's.

19. A copy of a lease agreement for the lease of 10001 NW 50th St., Bay W-13, Sunrise, FL 33351 was seized during the search of Defendant Lambert's residence on October 22, 2002. The agreement, dated on or about November 29, 2001, is signed on page 11 "Tom Lambert, President" for "The Gold Coast Brightstar Companies LLC". "The Gold Coast" is handwritten, and appears to be the handwriting of Sandy Wasserman.

20. Frances Ripka opened an account at Bank of America bearing the title "Frances Ripka ITF Brightstar". This account was used to channel money received by Defendant Lambert (from obscenity customers) to Defendant Wasserman. The money so channeled was used for the payment of expenses associated with the tape duplication warehouse in Sunrise, Florida.

21. Funds derived from the sale of obscenity were used in such a fashion as to hide its source. Specifically, Defendant Lambert took over \$40,000 in proceeds from the sale of obscene video tapes in order to pay expenses associated with the warehouse in Florida. He did this by funneling the money through an account in the name of Sanford Wasserman's sister, Frances Ripka.

22. In general, all money deposited into the subject bank accounts came from orders for obscene video tapes. All money so received was used to pay the expenses of the business, and to pay personal expenses of the defendants

23. Funds drawn on Pet Tec accounts controlled by Thomas Lambert were deposited to the "Francis Ripka" accounts, and funds from the "Francis Ripka" accounts were deposited to "The Gold Coast Brightstar Companies" accounts and subsequently used to pay personal expenses incurred by Sanford Wasserman and Susan Wasserman.

Signature cards, statements, deposits and withdrawals for account number 2000006720447 at First Union National Bank (since taken over by Wachovia Bank), were in the name of The Gold Coast Brightstar Companies dba The Brightstar Companies. Checks written on the account include checks payable to Sanford Wasserman, The Hebrew Academy on behalf of Defendant Wasserman, Susan Wasserman, Chrysler Financial, and Sunrise Park Investors. Deposits into the account include funds from the Francis Ripka accounts.

24. An ink signature stamp bearing the signature of Defendants Lambert was used to transact the business of the conspiracy by Defendant Wasserman.

OVERT ACTS

To effectuate the conspiracy, SANFORD WASSERMAN did the following:

a. On or about November 11, 2001, the defendant, SANFORD WASSERMAN, drafted a letter responding to a customer's complaint regarding the quality of the videotape entitled "BDG-102: John Holmes Rex - Lust for Pussy" and instructed the defendant, Thomas Lambert, to send the letter to the customer.

b. Between on or about December 28, 2001, and on or about February 19, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, accepted an order for video tape copies of "D-101: From Hungary with Love" and "D-106: The Best of the Best" and accepted payment in the form of a postal money order sent by the United States Postal Inspection Service.

c. Between on or about December 28, 2001, and on or about February 19, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, caused a copy of the video tapes named "D-101: From Hungary with Love" and "D-106: The Best of the Best" to be addressed and sent from the District of Montana to an address in College Station, Texas, using Federal Express. The catalogs distributed by the defendants, Thomas Lambert and SANFORD WASSERMAN, describe the video "D-101: From Hungary with Love" as follows: "Folks I must tell you that this is the most bizarre dog meets girl video I have seen in a long time. Would you believe BIG REXXX fucks her 12, 13, 14, times... (the staff lost count.) And she squeezeels (sic) with delight (or is it pain?)! Ol' Rex is well endowed and relentless. That dog LOVES TO DRIVE HIS KNOT DEEP INTO HER YOUNG, TIGHT AND SHAVEN PUSSY. You have to see this one!! Approx. 60 min, QUALITY: VG \$70.00". In his affidavit, Postal Inspector Morse summarizes the content of the video as follows: "The film starts with two women (#1 & #2) in a chair. #1 is naked, has pony tails, a ring through her lip and is fingering her vagina. 'Rex', a brindle colored German Shepherd, enters with #2 and starts licking the vagina of #1. Approximately 5 minutes into the film, Rex mounts #1 and climaxes in a frenzy with semen all over. This occurs twice in rapid succession. #1 has Rex lick her vagina from the front which causes him to mount and climax quickly. #1 lies on her

back inserting hot dogs in her vagina which she uses like dildos. #2 then inserts long hot dogs into #1's rectum and rubs #1's nipples while #1 is stroking Rex. Over the next 5 minutes, Rex mounts, penetrates and ejaculates in the vagina of #1. After each session, the camera cuts to a close up showing liquid dripping from her vagina. There are several more scenes with Rex licking, mounting and penetrating #1. With Rex on his back, #1 is stroking and attempting to lick him but Rex jumps up. Over the next 10 minutes to the end of the film, Rex mounts and penetrates #1 on eight different occasions which are intermingled with Rex licking her vagina/buttocks area."

The catalogs distributed by the defendants, Thomas Lambert and SANFORD WASSERMAN, describe the video "D-106: The Best of the Best" as follows: "What we did is take the best of several hot farm videos and splice them to give you the 'best of the best.'" This video contains: Eels For Pleasure, French Hot Dogs, Animal Zoo Special, Donkey Love, Dream Of a Dog, The Donkey Dong and more. Approx. 60 min. Quality: VG \$55.00." In his affidavit, Postal Inspector Morse describes the content of the video as follows: "The tape starts with a female watching a white stallion mate with a sorrel mare while a black pony nuzzles her vagina. The female goes over and strokes the stallion's erection. It then cuts to several different scenes of men and women having sexual relations. In the next scene, there is a goat licking a woman's breasts. The woman lies on her back placing pellets on her vagina for the goat to eat. The female starts sucking on the goat's penis which ends with the goat mounting and penetrating her vagina. A new scene titled Bizarre International presents French Hot Dog starts with a female in a black leather/plastic body suit stroking/licking a German Shepherd to ejaculation and licking the liquid. It moves to an indoor scene with the dog

licking her vagina while she strokes him to ejaculation which she licks. The dog licks her vagina and then her mouth. This clip continues with one female urinating on another's breast/stomach and ends with one female urinating in another females mouth and rubbing it all over her face/breasts. A new scene titled Bizarre International presents French Hot Dog 2 starts with a German Shepherd licking a females vagina with two men watching stroking themselves. The female moves to a hands/knees position with the dog mounting and penetrating her. Next the dog lies on his back with the female sucking his penis for quite a while. The female then squats on the shepherd for penetration with one of the men watching. A new scene titled Bizarre International presents Eels For Pleasure starting with two men and three women having sexual intercourse. It moves to another scene with an eel being pulled from a female's rectum. With assistance from a male, a condom is placed over the head of the eel which is then inserted into the female's vagina. The eel is approximately two feet long and appears to be an inch or more in diameter. The female is on her elbows watching the action. There are two more eels on the floor between her legs in addition to the eel in her vagina. The eel is removed and reinserted before the clip ends. A new scene titled THE DONKEY starts with a female stroking a horse penis and rubbing it on her face. She stands up continuing to rub the horse penis on her vagina/buttocks causing the horse to ejaculate twice. A new scene around a stream shows a different female stroking a different horse penis and rubbing it around her face. The last scene on this clip shows a female under a donkey sucking his penis. There are six quick scenes (for 10 minutes) between naked females licking/rubbing and/or sucking horse/donkey penis's. The last clip is titled Bizarre International presents Dream Of A Dog which

starts with a woman lying on a bed with a black lab licking her vagina. The lab mounts and penetrates the female's vagina three times and attempts twice. The entire tape ends."

Video tapes D-101 "From Hungary With Love and D-106 The Best of the Best, were previously ordered by Inspector Beckham on or about June 6, 2000 from New Technology in Florida using the undercover name J. Weems. Therefore, it is clear that obscene videos distributed by Defendants Lambert and Wasserman through Pet Tec were identical to the materials for which Defendant Wasserman was prosecuted in the Southern District of Texas. As part of that prosecution, a search warrant and affidavit for the business premises of New Technology, contains the Affidavit of United States Magistrate Judge Nancy K. Johnson, Southern District of Texas, dated September 26, 2000 in which she states that she reviewed the videos "From Hungary With Love", "Eels for Pleasure", "Punished for Sucking the Dog", and "Best of the Best". These videos bear, respectively, the stock numbers D-101, FD-106, OY-104, and D-106. Magistrate Judge Johnson rendered the opinion that these four videotapes are obscene.

d. Between on or about March 20, 2002, and on or about April 29, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, accepted an order for video tape copies of "MV-115: Rape and Sodomize" and "MV-120: Physically Raped" and accepted payment in the form of a cashier's check sent by the United States Postal Inspection Service. Their catalog represented the following about rape videos offered therein: "The following RAPE videos are based on TRUE STORIES. Robert Benjamin Morgan, one of the world's best known RAPE AUTHORITIES combed the files of many major metropolitan police records as well as federal records to find the

best EXTREME cases. These videos depict those cases as brutally and accurately as they actually happened. The people appearing in these videos are amateurs. The men are FORMER CONVICTED RAPISTS. Each video is approx. 90 min. long, quality is VG, and is available exclusively from Pet Tec.”

e. Between on or about March 20, 2002, and on or about April 29, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, caused a copy of the video tapes named “MV-115: Rape and Sodomize” and “MV-120: Physically Raped” to be addressed and sent from the District of Montana to an address in Clackamas, Oregon, using Federal Express. In his affidavit, Postal Inspector Morse describes the video “MV-115: Rape and Sodomize” as follows: “The film starts with two bikers (#1 & #2) forcing a female into a bedroom asking if anyone else is in the house. The female’s hands are tied above her head and a quirt (small, short horse whip) is used on her. The female lying on a bed is forced to suck the penis of #1 while #2 spreads her legs and licks/fingers her vagina. #2 is slapping (with hands) the inside of her thighs in the groin area. #2 inserts a finger into her rectum using a belt to slap/whip the inside of her legs and buttocks. The female is made to lick the scrotum of #1 with #2 slapping her vagina and twisting her breasts. Over the next several minutes, the female’s hair is grabbed, butt slapped, face beat with penis, nipples pinched/pulled and vagina spanked. It moves on to penetration of her vagina which she is forced to watch while being held up by her hair. An attempt to penetrate her rectum fails which leads to vaginal penetration doggie style while she is held by her hair and breasts. The vaginal penetration continues while fingers are inserted into her rectum. This occurs several times. Alternately, her breasts are squeezed, vagina licked/penetrated, legs/vagina

slapped and clitoris pulled. A penis is slapped around her face until she sucks it while her hair is being twisted. Approximately 29 minutes into the tape, #2 slaps his penis on her breasts, ejaculates and makes her suck him. Over the next 20 minutes, the female is slapped around the face/breasts, is vaginally penetrated, has her breasts twisted/bitten and is rubbed on her clitoris vigorously. At the end, one of the males ejaculates on her vagina, fingers her and wipes semen all over her. During the course of this tape, the female is very vocal saying 'it hurts, please stop, no.'"

In his affidavit, Postal Inspector Morse describes the video "MV-120: Physically Raped" as follows: "The tape starts with a white female skipping along a park trail. She stumbles on three masked men (#1, #2 & #3) who force her to a waiting car. A new scene starts in a dilapidated warehouse where the men make a bed of carpet on pallets. The female is placed on the bed with her hands tied to the sides and a knife is used to cut/rip her clothes off. #1 sucks her breast while #2 fingers her vagina. #3 makes her stroke his penis. While #1 removes his clothes, she starts struggling with #2. #1 inserts his penis into her mouth then starts slapping his penis on her face. #1/2 hold the female down while she is forced to suck #1. #2 then holds her legs in the air so she can be penetrated by #1. #1 makes her suck his penis while sitting on her chest, fingering her vagina. #1 penetrates her rectum at the same time she is forced to suck #2. The female gets free and runs away with the three men in pursuit. She is caught on the other side of the warehouse and the makeshift bed is brought to her location. While sucking #1, #3 sucks on her breasts until #1 starts pinching her breasts. She is on her back sucking #1 when #3 picks her legs up to his shoulders and penetrates her vagina. #1 then penetrates the woman with her legs held in the air. #1

dismounts, sucks her vagina until he enters her again while she is made to suck #3. At this point, all three men are slapping various parts of the female. #1/2 hold the female's hands behind her while she is on her hands/knees and she is mounted by #3 and sucking #1 who then slides under and sucks her breasts. Over the next several minutes, the female is vaginally penetrated by #1/2 while she alternately is made to suck #1/3. During this, the woman's hair is pulled/twisted as her face is slapped. #2 is penetrating her while she is sucking #1/3. #1 enters her doggie style while #2 urinates on the side and then penetrates her again. Over the next seven minutes, she sucks all three men until they ejaculate on her. The tape ends after the female is tied to a steel table and the screen goes black."

f. On or about April 15, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, caused a copy of the video tape "BDG-102: John Holmes Rex - Lust for Pussy" to be addressed and provided to Federal Express for carriage in interstate commerce to Topaz, California. The catalogs distributed by the defendants, Thomas Lambert and SANFORD WASSERMAN, describe the video "BDG-102: John Holmes Rex - Lust for Pussy" as follows: "Meet our newest canine star – John Holmes Rex. This massive pit bull gives you what you keep asking for: PENETRATION, PENETRATION, PENETRATION. John Holmes Rex loves pussy. He finds it fast and savagely stuffs pussies with his hard dog dick again, again, again, again, again.....He's an expert at burying his knot deep inside of pussies. 3 segments. The quality of this Video is excellent. The content of this video is excellent. Close-ups clear enough to allow you to count the veins in Rex's dick. Quality: Exc A bargain @ \$65.00"

In his affidavit, Postal Inspector Morse describes the content of the video as

follows: “The tape starts with a naked woman lying on a bed when a pit bull runs into the room. The woman stands up allowing the dog to lick her vagina and hump her leg several times. The female goes to hands/knees position with the dog immediately mounting and penetrating her vagina. Next the woman fondles the dog before he mounts/penetrates/ejaculates in her rectum twice. During the next five minutes, the pit bull mounts and penetrates the female five times climaxing once. The female then moves behind the dog and sucks his penis until he ejaculates in her mouth. This clip ends with the dog mounting/penetrating her to climax and the woman sucking the pit bull’s penis. A new scene starts with a different woman taking off her bra, playing with her breasts and fingering her vagina. As she undresses, the pit bull enters the room and licks her vagina. The female goes to her hands/knees allowing the dog to mount and penetrate her. The woman plays with the dog while he licks her vagina which leads to mounting and penetration. It then cuts to a close up of the dog’s penis in a vagina showing the dog ejaculating inside the woman and liquid present. The scene ends with the female sucking the pit bull’s penis and the dog mounting/penetrating her several times. The film continues with a new scene showing a female in bra/panties undressing, sucking her fingers when the pit bull enters and immediately licks her vagina. The female goes to her hands/knees on a bed with the dog mounting her. The tape goes to an earlier scene with the dog penetrating and climaxing in a vagina to the end of the tape.”

g. Between on or about April 24, 2002, and on or about May 13, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, accepted an order for

a video tape copy of "XXX-101: Mary's Video" and accepted payment in the form of a cashier's check sent by the United States Postal Inspection Service.

XXX – 101 is described in the defendants' catalog as: "XXX-101 MARY'S VIDEO: We thought you needed to know it was available. THIS IS THE MOST EXTREME VIDEO WE HAVE. IF NUNS FUCKING A DOG AND DONKEY AND A PIG OFFEND YOU, DO NOT ORDER THIS VIDEO! Other stuff in it include horse penetration, and other assorted BARNYARD SEXUAL PERVERSIONS TOO BIZARRE TO DESCRIBE. Please note that the quality is poor however, the CONTENT IS THE MOST VARIED, BIZARRE AND EXTREME WE HAVE EVER SEEN. WE WILL NOT DESCRIBE THE LAST SEGMENT OF THIS VIDEO. You'll have to see it for yourself. The REAL sounds this woman makes WILL BLOW YOU AWAY. 105 min. \$75.00 (worth every penny). NOT FOR EVERYONE!!!! Quality: Poor, Content = INCREDIBLE."

h. Between on or about April 24, 2002, and on or about May 13, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, caused a copy of the video tape "XXX-101: Mary's Video" to be addressed and sent from the District of Montana to an address in Clackamas, Oregon, using Federal Express. Postal Inspector Morse reviewed XXX – 101 in his affidavit and describes it as follows: "It starts with a nun, naked under her robe, on hands/knees scrubbing the floor in front of an altar. She lays on the altar step(s) and fingers herself followed by the insertion of the top of a mop handle in her vagina. Mother Superior enters, catching the nun in this act, but quickly starts rubbing the nun's breasts/vagina which causes the nun to lick Mother Superior's vagina. There are several minutes of lesbian sex before a dog

enters the scene. The nun on her hands/knees is mounted by the dog without penetration. The nun pulls the dog's penis out his back side, licking/sucking while stroking it. With the dog on his back, the nun squats inserting his penis in her vagina with close up camera shots. The dog gets up and licks the nun's vagina while the nun and Mother Superior take turns fingering each other. With the dog again on his back, the nun strokes, licks, sucks him to ejaculation with close up camera action. It moves to a new scene with a clothed woman stroking the genital area of a dog laying on a bed. A man enters to help with the dog while the female undresses and vacuums the dog's genital area. The woman strokes the dog exposing his penis which she licks whereupon the dog starts licking her vagina as she sucks the man's penis. The scene culminates with heterosexual activity. Approximately 18 minutes into the film, a magazine cover appears with the name MISS PIG discernible. This segment starts with two women (blond and brunette) brushing a white pony. The blond rubs her vagina while sitting on a fence rail leading to removal of her pants and the brunette licking her vagina. The blond assists the brunette to disrobe, rubbing her nipples on the pony's muzzle. The tape cuts to a new scene, with the brunette under the pony, inserting his penis into her vagina. The camera shows the pony ejaculating in the woman and her under him licking his penis. The clip ends with the brunette back under the pony with vaginal penetration. The tape moves to a new scene showing two women in a hay bale pen with a pig. Female #1 disrobes with the pig smelling her entire body. He quickly mounts her doggie style but fails to penetrate. He quickly remounts with penetration and roughly dismounts. The pig attempts to bite #1 and chases the women on top of some hay bales. A new scene (close up camera) shows the pig mounting #1 doggie style

with penetration, a dismount and immediate remount. Over the next several minutes, the clip shows the pig mount/ dismount ending with a close up of his anal penetration of #1. At 35 minutes, the tape shows two nuns walking in a cold wind enter a barn to find a donkey. They rub their hands and the donkey for warmth while he is nuzzling them. Nun #1 pulls up her robe removing her panties. Nun #2 and the donkey start licking #1's breasts. It continues with lesbian sex. While this has been going on, the camera has cut to several shots of a cat watching the lesbian sex. They attempt to get the cat to lick #1's breasts. Nun #2 disrobes rubbing the donkey's tail on her vagina then getting on his back and rubbing her vagina along it. The scene moves to a female donkey, apparently in heat, in front of the male donkey causing him to get excited. Nun #1 is under the donkey stroking him when he ejaculates on her vagina. She then turns around and starts licking/sucking his penis as the scene ends. Approximately 43 minutes into the tape, duplicating equipment is visible printing adult pornographic photographs with different adult scenes. Then "Color Climax" presents video program #281 which cuts to a scene of two women riding bikes on a path in the country who stop at a barn. The title "DOG FUCKERS" appears on the screen showing two naked females on a blanket in the grass engaging in lesbian sex. A dog is shown walking down the same path finding the women in a '69' position. The brunette (#1) starts stroking the dog which causes him to mount her doggie style and ejaculate on her buttocks. Both women start licking the dog's penis. With the dog on his back, #1 squats over him for vaginal penetration. After this act, both females suck the dog's penis and the scene closes. A new scene starts with a blond female walking a dog. They walk up on a woman giving fellatio to a man in a field. The dog lays on his back

and the blond squats rubbing his penis on her vagina. The blond then lays on her back with the dog between her legs and what appears to be penetration. The man penetrates the blond with his penis with the dog licking human genitals. The man ejaculates on the brunette and the scene closes with the dog licking the man's penis. The tape goes to a barnyard scene, with a blond female, feeding ponies from a bucket. She reaches under and sucks/strokes the penis of one of the ponies. The pony ejaculates in her mouth as she continues to suck him. "HORSE LOVERS" appears on the screen with a brunette disrobing while holding a horse with an erection. A naked blond enters and holds the horse while the brunette strokes his penis. The horse becomes aroused and the brunette starts stroking/sucking the horse's penis. The brunette inserts this penis in her vagina. The film continues showing the stallion mounting a mare. The same two women are shown with a pony who has an erection. The pony is tied up and both women stroke him to ejaculation which is sucked by the blond. The brunette then sucks the pony's penis who crawls under the pony and inserts his penis into her vagina with close up camera shots. The brunette gets on her hands/knees and inserts his penis doggie style. At approximately 62 minutes, a blind folded woman is shown walking up stairs to a room, moving around when two men with medical type masks grab and roughly undress her while fondling/rubbing her breasts/vagina. The men are naked under hospital gowns and hair caps. The female is dragged to the floor where they finish removing her clothing. She is taken to a tub, gagged with a rubber device which has a round mouth opening and flap to keep her airway open. The men hold her labia open while she urinates. The female is turned around and over the next several minutes, is repeatedly given large doses of liquid in

her rectum which is then expelled. The camera zooms in for close up shots. The female is placed on her back with legs/arms tied spread eagle. Her vagina and clitoris are pulled roughly and slapped continuously. A large squirt tube is used to apply cream to the vagina/rectum area. Over the next approximate five minutes, both men fist her vagina and rectum, both separately and together, sometimes pumping, while the female can be heard squealing. In a new scene, the same female is on her hands/knees with one of the men 'fisting/pumping' her rectum. A rubber ball on the end of a hose is inserted into her rectum and inflated. It is pulled and it can be heard 'popping' out. The ball is then used to beat on her buttocks approximately 20 times with full swings. The female is again placed on her back, tied spread eagled, still gagged, while a chain with clips are placed on her nipple tips. The chain is pulled until her breasts are taut. Three clothes pins are placed on her labia/clitoris, removed and replaced with five until eventually she has seven clothes pins on her genital area. The same woman is tied, with her hands over her head, to a beam twisting in the air. Her toes can just touch the floor. She is beat eight times with a flog and then has eight thick rubber bands placed around the base of each breast to make them stand unnaturally. Two metal clips with weights are attached to her labia. Both men flog her several times and remove the rubber bands. More clips with weight are attached until one falls off. The woman, still gagged, is making noises. Both men flog the female, including her vaginal area, until they remove the clips after approximately two minutes. The handle of one of the flogs is inserted in her rectum as the tape ends."

I. Between on or about October 27, 1998, and on or about December 10, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN,

accepted one or more orders for, and caused one or more copies of the video tape named "EX-110: Nightmare Nurses" to be addressed and sent from the District of Montana to another state, using an express carrier or other common carrier.

EX-110 NIGHTMARE NURSES is described in the defendants' catalog as: "A man enters a clinic for a simple flu shot and gets the surprise of his life when 2 nurses greet him and trick him into a restraining harness. They shave and torture his cock and balls, a thermometer is SHOVED up his penis and the nurses are threatening to break it off OUCH. His balls are tied and stretched I mean really S-T-R-E-A-C-H-E-D, all this in the first 30 minutes. This is a great video. Approx. 45 min. Quality: VG \$40.00".

Postal Inspector Morse reviewed EX-110 and describes it in his affidavit as follows: "It starts with a white male looking at an acupuncture book. Two nurses, blond (#1) and dark haired (#2) greet the male, leading him to a restraining harness and cut off his clothes. 4 min – twist male's nipples, tie rope around neck. 5 min 20 sec – rope tied around penis/scrotum. 8 min – male laid down on restraint table. 10 min 50 sec – nurses shave male's pubic area. 13 min – forceps used on male's nipples. 14 min 15 sec – forceps used on penis. 16 min 10 sec – glass thermometer is pushed into male's penis. 19 min 30 sec – water forced into male's rectum with small tube. 24 min 20 sec – female #1 starts slapping male's penis/scrotum. 26 min 30 sec – new scene with male on hands/knees on top of restraint table. 31 min 30 sec – restrained male has butt plug inserted and rope tied around penis/scrotum; various scenes – scrotum stretched; hood over head; buttocks spanked while scrotum stretched; scrotum turns purple blue – pricked with scissors tip; hot wax on buttocks. 44 min 30 sec – end."

j. Between on or about October 27, 1998, and on or about December 10, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, accepted one or more orders for, and caused one or more copies of the video tape named "EX-111: Master Keith" to be addressed and sent from the District of Montana to another state, using an express carrier or other common carrier.

EX-111 MASTER KEITH is described in the defendants' catalog as: "Gena, the Mistress, is about to put Gretta through her paces when Master Keith storms in. He quickly takes control of the situation. Nipple piercing and severe nipple torture. Severe cunt torture, severe spanking. Humiliation. Approx 56 min. Quality: VG \$40.00".

Postal Inspector Morse reviewed EX-111 and describes it in his affidavit as follows: "Starts with Mistress entering a torture-like chamber where Gretta is kneeling on floor. Gretta is naked except for clothing wrapped around mid stomach. Gretta's breasts are whipped with cat of tails, twisted and pinched. Gretta crawls on floor (all 4s) with leash around neck. 6 min 30 sec – Master Keith enters. Spanks Mistress and makes her strip for using his property (Gretta). Mistress tied to X cross with leg/hand restraints. Gretta does tricks like dog, nipple clamps on Gretta. 20 min 40 sec – Pins put in Mistress nipples. 23 min 45 sec – Pins removed and nipples pierced with rings. Weights placed on rings. Gretta licks Mistress vagina. Mistress down on floor (all 4s); Gretta places weight on ring on labia. Master Keith spanks both. Females tied together with chain through nipple rings. 45 min 30 sec – new scene "Master Keith and His Slaves". A female is led into a stable setting with horse reins on face/head. She is restrained and whipped with cat of tails. Second female brought in and receives same treatment. Both females on floor (all 4s) and rode by Master Keith like horses. Electric

shock wand used on women's vaginas. 48 min 45 sec – new scene “British Pony Girls” B & D Pleasures 800 827 3787. Two men open a vehicle trunk containing 2 naked females. Females climb out of trunk and are hooked to front of vehicle by harness. Master Keith on hood with reins has them pull vehicle around. Reins are attached to females face/heads. Buttocks slapped. 51 min 10 sec – new scene “Binding Competition”. Two naked females are tied together in a dungeon setting. Both are whipped with a cat of tails. An electric shock prod is used on their breasts with either simulated blood or hot wax visible on them. 54 min – new scene, “Psycho Sexuals The Terror Series VOL 1”, two males (one in wheel chair) have a female tied to a chair. The female is whipped with a cat of tails and then shown in a cage begging to get out. Abruptly ends with quick flash of : “NEED CATALOG – BILL AND DEBBIE MAJORS, PO BOX 92889, LONG BEACH CA 90809, 310 631 1600”.

k. Between on or about October 27, 1998, and on or about December 10, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, accepted one or more orders for, and caused one or more copies of the video tape named “GSA-107: Anything Goes” to be addressed and sent from the District of Montana to another state, using an express carrier or other common carrier.

GSA-107 ANYTHING GOES is described in the defendants' catalog as:
“Maureen is the girl next door that wants to be noticed and will do anything for you... ANYTHING!!! Maureen is into pissing and ENEMAS that she explodes across the room. See her prepare AND EXECUTE a chocolate milk enema, a champagne enema, several explicit scat scenes and so very much more, all with YOU in mind... neighbor. CUM AND GET IT. Approx. 55 min. Quality: VG \$55.00”.

Postal Inspector Morse reviewed GSA-107 and describes it in his affidavit as follows: "Starts with a white female in black body suit urinating in shower. 1 min – same female using hot water bag with hose in rectum. 2 min 30 sec – water squirting from rectum. 3 min 40 sec – brown water expelled from rectum. 9 min – outdoor scene of female urinating/defecating. Several different views/scenes. 17 min 30 sec – back inside. 17 min 55 sec – male urinating on female vagina. 22 min 30 sec – chocolate milk put into hot water bottle, into rectum via tube and then expelled. 28 min – another enema scene. 34 min – chocolate milk enema again – expelled in glass bowl and tub. Feces chunks in tub. 40 min – wine enema scene. 45 min – banana in rectum. 46 min 15 sec – female sucks camera man penis, another enema scene. 52 min 30 sec – end."

I. Between on or about October 27, 1998, and on or about December 10, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, accepted one or more orders for, and caused one or more copies of the video tape named "PRC-101: Dick Torture" to be addressed and sent from the District of Montana to another state, using an express carrier or other common carrier.

PRC-101 DICK TORTURE is described in the catalog as: "On our last trip to Rio De Janeiro, Brazil, we found ourselves following this shady character into a dark alley. "Wait here" he said in Portuguese and disappeared. A few minutes later, he returned with this master video in hand. We took it back to our hotel room and after a few minutes of viewing, purchased it on the spot. The title says it all. The torture is DICK AND BALL PIERCING AND EXTREME PUNISHMENT. 60 minutes. Quality: VG \$45.00."

Postal Inspector Morse reviewed PRC-101, comparing it to the handwritten notes from the Pet Tec master inventory black 3-ring binders. The handwritten description in Defendant Wasserman's handwriting, attached as Exhibit A, accurately reflects the content of PRC-101.

m. Between on or about October 27, 1998, and on or about December 10, 2002, the defendants, Thomas Lambert and SANFORD WASSERMAN, accepted one or more orders for, and caused one or more copies of the video tape named "PS-143: Ur-A-Peen" to be addressed and sent from the District of Montana to another state, using an express carrier or other common carrier.

PS-143 UR-A-PEEN is described in the defendants' catalog as: "Some of you may already know how I feel about BROWN SHOWERS... not my thing. So when I say that this is a disgusting video I am actually encouraging those of you who are into brown showers (shit) to add this one to your collection. Lots of shitting, licking and pissing going on. EXTREMELY DISGUSTING. Approx. 84 min. Quality: Exc \$45.00."

Postal Inspector Morse reviewed PS-143, comparing it to the handwritten notes from the Pet Tec master inventory black 3-ring binders. The handwritten description attached as Exhibit B of this Affidavit and in Defendant Wasserman's handwriting accurately reflects the content of PS-143.

Defendant admits that the videos described herein are obscene given the standards established by Miller v. California, 413 U.S. 15 (1973). Defendant also admits that he and Defendant Lambert sold hundreds of other obscene videos during the course of the conspiracy not otherwise described herein.

B. STATUTORY ELEMENTS OF THE CHARGED OFFENSE

To prove a violation of Title 18, United States Code, Section 371, the government must prove that:

the conspiracy, agreement, or understanding to distribute obscene video tapes, as described in the indictment, was formed, reached, or entered into by two or more persons;

at some time during the existence or life of the conspiracy, agreement, or understanding, the defendant knew the purposes of the agreement; with that knowledge the defendant then deliberately joined the conspiracy, agreement, or understanding;

at some time during the existence or life of the conspiracy, agreement, or understanding, one of its alleged members knowingly performed one of the overt acts charged in the indictment and did so in order to further or advance the purpose of the agreement.

To prove a violation of Title 18, United States Code, Section 1462, the government must prove that:

a person knowingly;

used an express company or other common carrier (as defined in section 230(e)(2) of the Communications Act of 1934);

for carriage in interstate commerce;

any motion picture film or other matter of indecent character which meets the standard for obscenity established by the Supreme Court in Miller v. California, 413 U.S. 15 (1973).

The Miller Court set forth the governing three-part test for assessing whether material is obscene and thus not protected by the First Amendment:

(a) Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

The Court concluded that what appeals to the “prurient interest” or is “patently offensive” should be determined according to a local, rather than a national, community standard.

Defendant SANFORD WASSERMAN knowingly used an express carrier or other common carrier to distribute in interstate commerce the videotapes listed above which depict violent “gang rapes” of women, sexual intercourse between humans and animals, and other sexual activity which involved urination, defecation, fisting, bondage, and sadistic and masochistic conduct. An average person, applying local community standards, would find that each of the videotapes taken as a whole appeals to the prurient interest, advances no literary, artistic, political, or scientific value, and is patently offensive.

Dated this 10th day of March, 2005.

WILLIAM W. MERCER
United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that she is an employee in the Office of the United States Attorney and is a person of such age and discretion as to be competent to serve papers.

That on March 10, 2005, she served a copy of the attached **OFFER OF PROOF** by faxing a copy to the person(s) hereinafter named, unless otherwise noted, at the place(s) and address(es) stated below, which is/are the last known address(es),

Mark T. Errebo
ERREBO LAW OFFICE
404 N. 31st Street, Suite 109
Billings, MT 59101
BY U.S. Mail

Zachary Cain
Federal Defenders of Montana
P. O. Box 1778
Billings, MT 59103
FAX: (406) 259-2569

Sally K. Frank